

Stephen D. Finestone (125675)
Ryan A. Witthans (301432)
FINESTONE HAYES LLP
456 Montgomery Street, 20th Floor
San Francisco, CA 94104
Tel.: (415) 421-2624
Fax: (415) 398-2820
Email: sfinestone@fhllawllp.com
Email: rwitthans@fhllawllp.com

Attorneys for Appellee
Evander Frank Kane

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re
EVANDER FRANK KANE,
Debtor.

SOUTH RIVER CAPITAL, LLC,
Appellant

v.
EVANDER FRANK KANE,
Appellee

Case No. 21-cv-03493-WHO

Bankruptcy Case No. 21-50028-SLJ
Chapter 7

**SUPPLEMENTAL REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
APPELLEE’S MOTION TO DISMISS
APPEAL AS MOOT**

Hearing:

Date: March 30, 2022

Time: 2:00 p.m. Pacific Time

Place: Tele/Videoconference (Zoom)

Remote appearances only.

*Please check www.cand.uscourts.gov for
information regarding the Court’s operations
due to the COVID-19 pandemic.*

Pursuant to Federal Rule of Evidence 201(b)(2) and (c)(2), Appellee Evander Kane (“Kane”) respectfully requests that this Court, in its consideration of his motion to dismiss the appeal by Appellant South River Capital, LLC (“South River”) as moot, take further judicial notice of the information contained in the exhibits attached hereto:

1. **Exhibit 1** is a true and correct copy of the biography page for Kristen Shilton, an ESPN NHL reporter and one of the authors of the article submitted by South River. Ms.

Shilton's biography page appears on the ESPN Press Room website, at
<https://espnpressroom.com/us/bios/kristen-shilton/> (last visited Mar. 11, 2022).

2. **Exhibit 2** is a true and correct copy of the biography page for Greg Wyshynski, an ESPN senior NHL reporter and one of the authors of the article submitted by South River. Mr. Wyshynski's biography page appears on the ESPN Press Room website, at
<https://espnpressroom.com/us/bios/greg-wyshynski/> (last visited Mar. 11, 2022).
3. **Exhibit 3** is a true and correct copy of the Edmonton Oilers' press release dated January 27, 2022, published on the Oilers' page on the NHL website stating that the Oilers have agreed to terms with Kane on a one-year contract for the remainder of the 2021-22 season. Edmonton Oilers, *RELEASE: Oilers sign Evander Kane*, WWW.EDMONTONOILERS.COM, <https://www.nhl.com/oilers/news/release-oilers-sign-evander-kane/c-330242776> (last visited Mar. 11, 2022).
4. **Exhibit 4** is a true and correct copy of the biography page for Kevin Weekes, an ESPN analyst for NHL coverage and one of the sources regarding Kane's contract with the Oilers cited in the article submitted by South River. Mr. Weekes' biography page appears on the ESPN Press Room website, at <https://espnpressroom.com/us/bios/kevin-weekes/> (last visited Mar. 11, 2022).

The biography pages of ESPN's employees on ESPN's Press Room website and the Edmonton Oilers' Press Release posted on the Oilers' page on the NHL website are judicially noticeable under Federal Rule of Evidence 201, in that they are not subject to reasonable dispute because the facts are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b).

DATED: March 15, 2022

FINESTONE HAYES LLP

By: /s/ Stephen D. Finestone
Stephen D. Finestone
Attorneys for Appellee Evander Frank Kane

EXHIBIT 1



Kristen Shilton

NHL Writer

 [kristen_shilton](#)

Kristen Shilton serves as senior NHL writer, covering the league as an analyst across platforms. Shilton writes news stories and features during the season, and can be seen and heard on ESPN podcasts, *SportsCenter*, *The Point* and more. Shilton will also be a part of the on-air talent for The Walt Disney Company's coverage of the National Hockey League.

Prior to joining ESPN in October 2021, Shilton covered the Toronto Maple Leafs across all of TSN's platforms. Signing on with TSN in 2016, Shilton wrote columns and stories for TSN.ca, co-hosted Leaf's radio broadcasts, acted as rinkside host for Leaf's broadcasts, co-created the Leaf's 3-in-3 broadcast segments and appeared on *SportsCentre*, *That's Hockey* and across TSN1050 radio programs.

Shilton joined TSN from USA TODAY, where she worked as a digital sports producer and hockey writer for two seasons. She reported on a slate of major sporting events including the NHL playoffs, and contributed stories both in print and online for USA TODAY and its pop culture-sports hybrid site, *For The Win*. She also produced sports news content for USA TODAY's social media platforms, including Twitter and Facebook. Prior to her time at USA TODAY, Shilton spent nearly two years with the Chicago Wolves, the Vancouver Canucks' American Hockey League affiliate, beginning as a Communications Assistant and then as the team's Digital Media Coordinator.

Shilton holds a Master of Arts degree in Magazine, Newspaper, and Online Journalism from Syracuse University.

EXHIBIT 2

Greg Wyshynski



Reporter & Senior NHL Writer

 [wyshynski](#)

 [Hi-Res Images](#)

Greg Wyshynski serves as a reporter and senior NHL writer, covering the league as an analyst across platforms. Wyshynski writes news stories and a weekly column during the season, and can be seen and heard on *Daily Wager*, the *ESPN Daily* podcast, *SportsCenter*, and more. Wyshynski will be part of the on-air talent for The Walt Disney Company's coverage of the National Hockey League, and will co-host "The Drop," a new digital hockey show.

Prior to joining ESPN in October 2017, Wyshynski cultivated a passionate following of NHL fans and league insiders as the creator and editor-in-chief of the Puck Daddy blog on Yahoo! Sports. During his nine years there, he was the first blogger named to the list of "100 People of Power Influence" by The Hockey News. He also co-hosted the daily podcast *Marek vs. Wyshynski* with Jeff Marek of Sportsnet, as well as the popular "Puck Soup" podcast.

Before his stint at Yahoo!, Wyshynski spent 10 years as a writer and editor at *The Connection Newspapers* in Virginia, where he received more than 50 Virginia Press Association awards. He also wrote NHL news for AOL Sports's *FanHouse* and the weekly "NHL Closer" column for *Deadspin*.

Wyshynski, a native of New Jersey, graduated from the University of Maryland's College of Journalism.

EXHIBIT 3

View Less

EXHIBIT 4

Kevin Weekes



Phil Ellsworth / ESPN Images

Analyst, NHL

[KevinWeekes](#)

[Hi-Res Images](#)

Kevin Weekes is an analyst for NHL coverage on ESPN. Weekes joined the ESPN broadcast team in 2021, where he serves in studio and as a game analyst for select NHL games.

Making history in 2009 when he became the first black analyst in ice hockey, Weekes most recently provided color commentary for the NHL Network and CBC's *Hockey Night in Canada*. He is also a regular contributor to NHL.com.

Born in Toronto, Weekes made his NHL debut in 1997 with the Florida Panthers. In his 11 seasons as a goaltender in the NHL, Weekes played for the Panthers, Canucks, Islanders, Lightning, Hurricanes, Rangers and Devils before retiring in 2009. Weekes helped the Carolina Hurricanes to the Stanley Cup Final in 2002 and is the Hurricanes' all-time leader in playoffs goals-against average and save percentage.

One of the NHL's most charitable players, Weekes continues to support youth hockey throughout the U.S. and Canada and the Special Forces Charitable Trust.

Weekes currently resides in Toronto, Ontario.